

Remarks/Arguments

This submission is in response to the Notice of Non-Compliant Amendment, mailed February 4, 2008, and the Office Action mailed December 3, 2007. Reconsideration of this application is respectfully requested, in view of the following remarks.

I. Status of the Claims

After entry of this amendment, claims 1-13 are pending. Claim 1 is amended to correct a clerical error. Non-elected claims 14-57 are canceled.

II. Restriction Requirement and Species Election

In the office action, the Examiner required election of one of the following two claim groups:

Group I: Claims 1-13, drawn to compounds, compositions and methods of use, and

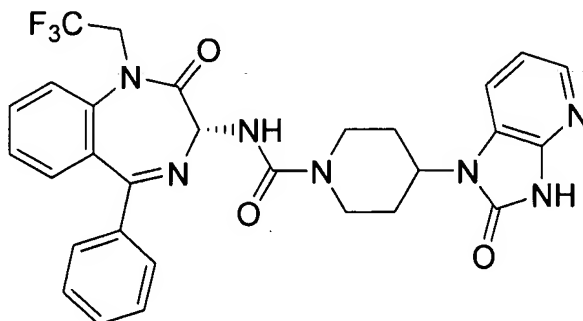
Group II: Claims 14-57, drawn to complex pharmaceutical compositions and uses comprising a compound of formula (I) and additional active ingredients.

In response to the restriction requirement, applicants elect the Group I subject matter, without traverse. Non-elected claims 14-57 are canceled.

The Examiner also requires election of a single species for prosecution, in the event that no generic claim is found allowable.

In response to the species election requirement, applicants elect a species of claim 1 of

Example 1:



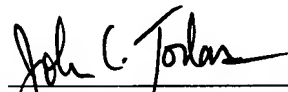
Example 1 reads on claim 1 when R¹ is C₂ alkyl which is substituted with fluoro; R² is hydrogen; R⁷ is phenyl; W is nitrogen; X is carbon; Y is oxygen; R³ is hydrogen; J-G is N; Q is CH; T is CH; U is CH; V is nitrogen; and R⁶ is hydrogen. Example 1 also reads on claims 2 and 3 (when R¹ is C₂ alkyl which is substituted with fluoro; R² is hydrogen; R⁷ is phenyl; W is nitrogen; R³ is hydrogen; J-G is N; Q is CH; T is CH; U is CH; V is nitrogen; and R⁶ is hydrogen), claim 8 (when R¹ is C₂ alkyl which is substituted with fluoro; R² is hydrogen; R⁷ is phenyl; R³ is hydrogen; X is carbon; Y is oxygen; J-G is N; Q is CH; T is CH; U is CH; V is nitrogen; and R⁶ is hydrogen), claim 10 (first species), and claim 11.

III. Conclusion

In view of the foregoing, an early and favorable examination is earnestly solicited.

Respectfully submitted,

By



John C. Todaro, Reg. No. 36,036
Attorney for Applicants

MERCK & CO., Inc.
P.O. Box 2000
Rahway, New Jersey 07065
Tel.: (732) 594-0125

Date: February 14, 2008